P.R. No. 3166/06
Presented by Shri Mala Dubey
dated 12/12/06

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench

REVIEW PETITION NO. 25 OF 2006

(Arising out of order dated 4.10.2006 passed in Writ Petition (S) No.5245 Of 2006 by Hon'ble Justice S.K.Agnihotri J.)

PETITIONER

Sushil Kumar Patel ,aged about 33 years S/o Shri Yadumani Patel resident of Village Banjipali, Post Office , Salheona , Via Sariya, Tahsil Sarangarh , District Raigarh (CG).

VERSUS

RESPONDENTS :

1. The State of Chhattisgarh, through the Secretary , Department of School Education Mantralay , D.K.S. Bhawan, Raipur (CG).

2. Janpad Panchayat Baramkela , through its Chief Executive Officer at Baramkela, District Raigarh (CG).
3. Additional Collector, Raigarh District Raigarh (CG).
4. District Education Officer, District Raigarh (CG).

RECEIVED COPY
12/12/06
CLERK to A. G. BILASPUR

REVIEW PETITION IN WRIT PETITION (S) No.5245 OF 2006 (BETWEEN SUSHIL KUMAR PATEL VERSUS STATE OF CHHATTISGARH AND OTHERS)

HIGH COURT OF JUDICATURE CHHATTISGARH: BILASPUR

Single Bench: Hon'ble Shri Satish K. Agnihotri, J.

Review Petition No. 25 of 2006

Petitioner : Sushil Kumar Patel

Versus

Respondents : The State of Chhattisgarh & others

By circulation in Chamber.

O R D E R

(7th November, 2006)

1. The present application seeks a review of the order dated 4th October, 2006 passed by this Court in W.P.No. 5245 of 2006 (Sushil Kumar Patel Vs. State of Chhattisgarh & others), not on the ground of discovery of any new fact or any manifest error in the impugned order but on the same grounds which were considered and decided earlier in the writ petition.

2. This review application is circulated in the Chamber for consideration under Chapter VI Rule 76 (2) of the High Court of Chhattisgarh Rules, 2005.

3. I have perused the review application and documents appended thereto, as well as the papers of the W.P.No. 5245 of 2006 which was considered and decided vide order dated 4.10.2006, which is sought to be reviewed in this application.

4. This Court after hearing learned counsel for the parties came to the conclusion as under:-

> "3. The contention of learned counsel for the petitioner that similarly situated candidates, who were in the

select list of June, 1999 and had approached this Court in the year 2002 and 2003, have been granted relief of appointment, is not sustainable in law, as the petitioner has no right to appointment on he basis of his place in the select list. Even otherwise, the petitioner has slept over his right for a period of 7 years and this petition was filed on 21.9.2006 when the rights of the parties and other similarly situated candidates have been crystallized by this time. The petitioner has not submitted any reasons for unexplained inordinate delay of 7 years for approaching this Court.

4. It is well settled principle of law in view of the decisions of the Supreme Court in the cases of Jagdish Narain Maltiar Vs. The State of Bihar and others[1], P.S. Sadasivaswami Vs. State of Tamil Nadu[2] and Karnataka Power Corporation Ltd & Anr. Vs. V. K. Thangappan & Anr.[3] that repeated representations cannot justify a belated approach to the Courts. Entertaining belated approach would unsettle the settled matters, and the same should be avoided."

5. The petitioner has not pointed out any manifest error on the record and the petitioner has not further brought into the notice, any new fact which could not be produced earlier despite diligent efforts made by the petitioner. It is well settled that the review proceedings are not by way of an appeal and have to be strictly confined to the scope and ambit of Order 47 Rule 1 of the Code of Civil Procedure, even in exercise of review jurisdiction by the High Court under Article 226 of the Constitution of India. The applicant has not produced any new ground for review except the same grounds which have been considered and decided in the writ petition.

19

6. Principle of law is well settled by several judicial pronouncements of the Hon'ble Supreme Court in the cases of Smt. Mera Bhanja Vs. Smt. Nirmala Kumari Choudhary[1], Lily Thomas, etc. Vs. Union of India and others[2], Ajit Kumar Rath Vs. State of Orissa and othrs[3], Government of T.N. and others Vs. M. Ananchu Asari and othrs[4], and Kerla State Electricity Board Vs. Hiech Electrothermics & Hydropower Ltd. and othrs[5].

7. As a result and for the foregoing reasons, this review application is dismissed on the ground that this review application is not in accordance with the requirements for review of an order as per law and the present review applicant seeks rehearing of the case in the guise of review application, which stands concluded by order dated 4.10.2006 passed by this Court in W.P.No.5245 of 2006. No order as to costs.

Sd/-
SATISH K. ANGNIHOTRI
Judge

---

1 AIR 1995 SC 455
2 AIR 2000 SC 1650
3 AIR 2000 SC 85
4 (2005) 2 SCC 332
5 (2005) 6 SCC 651

Thakur